

1 BILL NO. S-81-08- 15

2 SPECIAL ORDINANCE NO. S- 199-81

3
4 AN ORDINANCE approving an agreement for
5 Sanitary Sewer Extension between the
6 City of Fort Wayne, Indiana and Teco,
7 Inc.

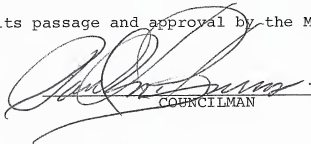
8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
9 WAYNE, INDIANA:

10 SECTION 1. That a certain agreement dated June 10, 1981,
11 between the City of Fort Wayne, Indiana and Teco, Inc. for:

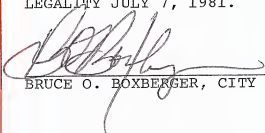
12 the construction of a fifteen inch
13 public gravity sanitary sewer to
14 service Lot D, Eastburn Outlots and
15 the tract being leased from the Board
16 of Aviation.

17 at a total cost to Teco, Inc. of \$30,000.00, all as more par-
18 ticularly set forth in said agreement which is on file in the
19 Office of the Board of Public Works and is by reference incor-
20 porated herein and made a part hereof, be and the same is in all
21 things hereby ratified, confirmed and approved.

22 SECTION 2. That this Ordinance shall be in full force
23 and effect from and after its passage and approval by the Mayor.

24 
25 COUNCILMAN

26 APPROVED AS TO FORM AND
27 LEGALITY JULY 7, 1981.

28 
29 BRUCE O. BOXBERGER, CITY ATTORNEY
30
31
32

Read the first time in full and on motion by Burns, seconded by Salinas, and duly adopted, read the second time by title and referred to the Committee City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 8-11-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Salinas, and duly adopted, placed on its passage. PASSED ~~(LAST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-25-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ZONING MAP)~~ ~~(GENERAL)~~ ~~(ANNEXATION)~~ ~~(SPECIAL)~~ ~~(APPROPRIATION)~~ ORDINANCE ~~(RESOLUTION)~~ No. S-199-81 on the 25th day of August, 19 81.

ATTEST:
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)
John Spuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 19 81, at the hour of 10:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 27th day of August 19 81, at the hour of 4 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-08-15

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN
ORDINANCE approving an agreement for Sanitary Sewer Extension
between the City of Fort Wayne, Indiana and Teco, Inc.

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE pass PASS.

PAUL M. BURNS, CHAIRMAN

VIVIAN G. SCHMIDT, VICE CHAIRMAN

BEN A. EISBART

SAMUEL J. TALARICO

ROY J. SCHOMBURG

DATE

CONFIRMED BY

CHARLES W. WINTERMAN, CITY CLERK

70-210-23 H.I.
6/10/81

AGREEMENT FOR SANITARY SEWER EXTENSION

THIS AGREEMENT, made and entered into this 10 day of June, 1981, by and between Teco, Inc., (hereinafter referred to as "Developer,") and the CITY OF FORT WAYNE, INDIANA, (hereinafter referred to as "City,")

WITNESSETH:

WHEREAS, Developer is owner of Lot D of Eastburn Outlots as recorded by Plat Book 17, page 6,

WHEREAS, Developer is leasing from the Board of Aviation the tract as described within Exhibit "A,"


WHEREAS, to induce the City of Fort Wayne to extend a sanitary sewer to serve the above described tracts, Developer agrees to commit \$30,000.00 towards the construction of a fifteen inch public gravity sanitary sewer to service Lot D, Eastburn Outlots and the tract as described within Exhibit "A,"

WHEREAS, the City of Fort Wayne did cause to be extended the Baer Field West Keller Road Sanitary Sewer,


NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth:

1. Developer does hereby agree to pay to the City of Fort Wayne, the sum of \$30,000.00 as follows:
 - a. \$10,000.00 shall be paid to City within thirty days of execution of this document,
 - b. \$10,000.00 shall be paid to City by January 1, 1982,
 - c. \$10,000.00 shall be paid to City by January 1, 1983.
2. For and in consideration of this commitment of \$30,000.00, City agrees to waive any future area connection fees for both Lot D, Eastburn Outlots and the tract being leased as described by Exhibit "A."

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement the day and date first above written.


Bruce E. Lemmeyer, President
Teco, Inc.

ATTEST:


Corporate Secretary

BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

Mark L. Akers
Mark L. Akers, Chairman

Roberta Anderson Staten
Roberta Anderson Staten, Member

Betty R. Collins
Betty R. Collins, Member

ATTEST:

Sandra E. Kennedy
Sandra E. Kennedy, Clerk

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State,
personally appeared Bruce Dammeyer, President, Teco, Inc. and Wayne R.
Branstrator, Corporate Secretary, Teco, Inc. and acknowledged the execution
of the foregoing Agreement as and for their voluntary act and deed for the uses and
purposes therein contained.

WITNESS my hand and notarial seal this 28th day of May, 1981

Judith Zala
Judith Zala
Notary Public
A Resident of Allen County, Indiana

My Commission expires:

July 11, 1981

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State,
personally appeared Mark L. Akers, Chairman of the Board of Public Works and
Roberta Anderson Staten and Betty R. Collins, Members of the Board of Public Works,
and acknowledged the execution of the foregoing Agreement as and for their
voluntary act and deed for the uses and purposes therein contained.

Anne J. Zay
Notary Public
A Resident of Allen County, Indiana 6/10/81

My Commission expires:

3-6-84

RECEIVED

EXHIBIT "A"

APR 22 1981

Water Pollution Control Engr. Dept.
City-County Building, One Main St.
Ft. Wayne, Indiana 46802

CERTIFICATE OF SURVEY

No. BAC 2480

OFFICE OF WILLIAM A. DARLING
Fort Wayne, Indiana

Registered Land Surveyor No. 9905

This document is a record of a survey of real estate made in accordance with the deed records and recorded plats thereof on file in the Office of the County Recorder. The real estate described below exists in full dimension as hereon noted in feet, and is free from encroachments by adjoining land owners, and furthermore, contains entirely within its boundaries the buildings and structures situated thereon; all as indicated below. Any exceptions or discrepancies found to exist are noted in detail hereon.

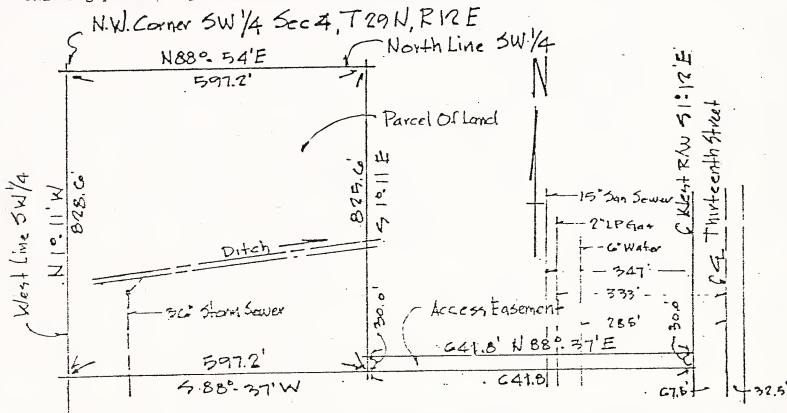
DESCRIPTION OF PROPERTY:-

Parts of the Southwest Quarter of Section 4; Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Parcel of Land: Beginning at the Northwest Corner of the Southwest Quarter of Section 4, Township 29 North, Range 12 East, Allen County, Indiana; thence North 88 degrees 54 minutes East along the North Line of Said Southwest Quarter a distance of 597.2 feet; thence South 1 degrees 11 minutes East a distance of 825.6 feet; thence South 88 degrees 37 minutes West a distance of 597.2 feet to the West Line of Said Southwest Quarter; thence North 1 degrees 11 minutes West along Said West Line a distance of 828.6 feet to the point of beginning; containing 11.34 acres of land, more or less.

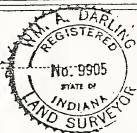
Access Easement: Beginning at the Southeast corner of Said Parcel of Land; thence North 1 degrees 11 minutes West along the East Line of Said Parcel of Land a distance of 30.0 feet; thence North 88 degrees 37 minutes East a distance of 641.8 feet to the West Right-of-Way Line of Thirteenth Street; thence South 1 degrees 12 minutes East along Said Right-of-Way Line a distance of 30.0 feet; thence South 88 degrees 37 minutes West a distance of 641.8 feet to the point of beginning; containing 0.44 acres, more or less.

Both parts subject to easements for the maintenance, repair or replacement of all existing public or quasi public utilities or services.



IN WITNESS WHEREOF, I have placed my hand and
seal this 11 day of July 80

William A. Darling



28108-15

TITLE OF ORDINANCE AGREEMENT FOR SANITARY SEWER EXTENSION BETWEEN THE CITY OF FORT WAYNE &
TECO, INC.
DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE AGREEMENT FOR SANITARY SEWER EXTENSION BETWEEN THE CITY OF FORT WAYNE

INDIANA & TECO, INC. FOR THE CONSTRUCTION OF A FIFTEEN INCH PUBLIC GRAVITY SANITARY
SEWER TO SERVICE LOT D, EASTBURN OUTLOTS AND THE TRACT BEING LEASED FROM THE BOARD
OF AVIATION. THE CITY OF FORT WAYNE DID CAUSE TO BE EXTENDED THE BAER FIELD WEST KELLER
ROAD SANITARY SEWER & THE DEVELOPER HAS AGREED TO COMMIT \$30,000.00 TO THE CITY IN
ORDER TO BEGIN CONSTRUCTION. BECAUSE OF TECO, INC'S COMMITMENT OF \$30,000.00 THE CITY
AGREES TO ACCEPT THE PAYMENTS PER SCHEDULE IN THIS AGREEMENT FOR BOTH LOT D ,
EASTBURN OUTLOTS AND THE TRACT BEING LEASED FROM THE BOARD OF AVIATION.

EFFECT OF PASSAGE A FIFTEEN INCH PUBLIC GRAVITY SANITARY SEWER IS TO BE CONSTRUCTED.

EFFECT OF NON-PASSAGE THE ABOVE DESCRIBED PROJECT CANNOT BE COMPOETED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$30,000.00 TO BE PAID FOR BY
TECO, INC.

ASSIGNED TO COMMITTEE _____